IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 43 of 2000**

Between:

Vadde Venkata Subbayya, S/o.Subba Ramayya, Visakhapatnam.

**..... PETITIONER**

AND

1 State of A.P., Rep.by its Secretary, Municipal Administration, Secretariat, Hyderabad.
2 Visakhapatnam Municipal Corporation, Rep.by its Commissioner, Visakhapatnam.
3 Town Planning Officer, Visakhapatnam Municipal Corporation, Visakhapatnam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus, directing the respondents, their men, employees, contractors and/or anyone claiming through them in any manner not to interfere with the Petitioner's building constructed by the Petitioner on the strength of the approved plan BA No.1831/98/ACP/II dated 28-1-1999 of the 2nd respondent in an extent of 386 Square yards equivalent to 322.748 Square meters in Plot No.11 of Allipuram Ward (Srinagar Area) in T.S.No. 685 of Visakhapatnam Municipal Corporation, Visakhaptnam, in any manner, without giving due opportunity to the Petitioner.

Counsel for the Petitioner: MR.M.SIVANANDA KUMAR

Counsel for respondent No.1: G.P.for Municipal Corporation.

Counsel for the Respondent No.2: MR.T.S.VENKATARAMANA

The Court made the following :

**O R D E R:**

This writ petition is filed seeking writ of Mandamus restraining the respondents from interfering with the building constructed by the petitioner on the strength of the approved plan BA.No.1831/98/ACP/II, dated 28.01.1999 granted by the 2nd respondent in an extent of 386 square yards in plot No.11 of Allipuram Ward (Srinagar Area) in T.S.No.685 of Visakhapatnam Municipal Corporation as Arbitrary and illegal.

The specific case of the petitioner is that the building in question has been constructed strictly in accordance with the permission granted by the 2nd respondent and the action of the respondents in proposing to demolish the same without issuing any notice to the petitioner and without affording any opportunity to the petitioner as arbitrary and illegal and in violation of the principles of natural justice.

It is not disputed by the learned counsel for the respondents that a notice under Section 452 of the Hyderabad Municipal Corporation Act, which is mandatory, has not been served on the petitioner.

In the circumstances, without going into the merits of the case, the writ petition is disposed of with a direction to the respondents not to demolish the building in question without issuing a notice to the petitioner as required under the law.

The writ petition is accordingly disposed of. No costs.

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G.ROHINI.J

14.12.2004

tjs

ASSISTANT REGISTRAR

To

1.Secretary, State of A.P., Municipal Administration, Secretariat, Hyderabad.

2. Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam.

3. Town Planning Officer, Visakhapatnam Municipal Corporation, Visakhapatnam.

4. 2 C.Cs to the G.P. for Municipal Corporation, High Court of A.P., HYDERABAD ( O.U.T)

5. CD copies.